100002216

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 07-1113-2081-01

ELECTIONS: UNIT N-17 (herein Subject Drilling Unit)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 18, 2009 which was recorded at Document 090003939 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 30, 2009, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit N-17;

Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

<u>Conclusion:</u> Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this day of ______, 2010, by a majority of the Virginia Gas and Oil Board.

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS **30** day of **1/1/1**, 2010, by Order of the Board.

David E. Asbury, Jr.,

Principal Executive to the Staff of the Board

STATE OF VIRGINIA COUNTY OF RUSSELL

Acknowledged on this day of , 2010, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J. Davis, Notary

174394

My commission expires: September 30, 2013

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit N-17 VGOB 07-1113-2081-01 in the South Grundy District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on December 18, 2009, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on December 30, 2009;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of December 18, 2009;

See attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None

That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be added or dismissed as Respondents:

None

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

None

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 23 day of

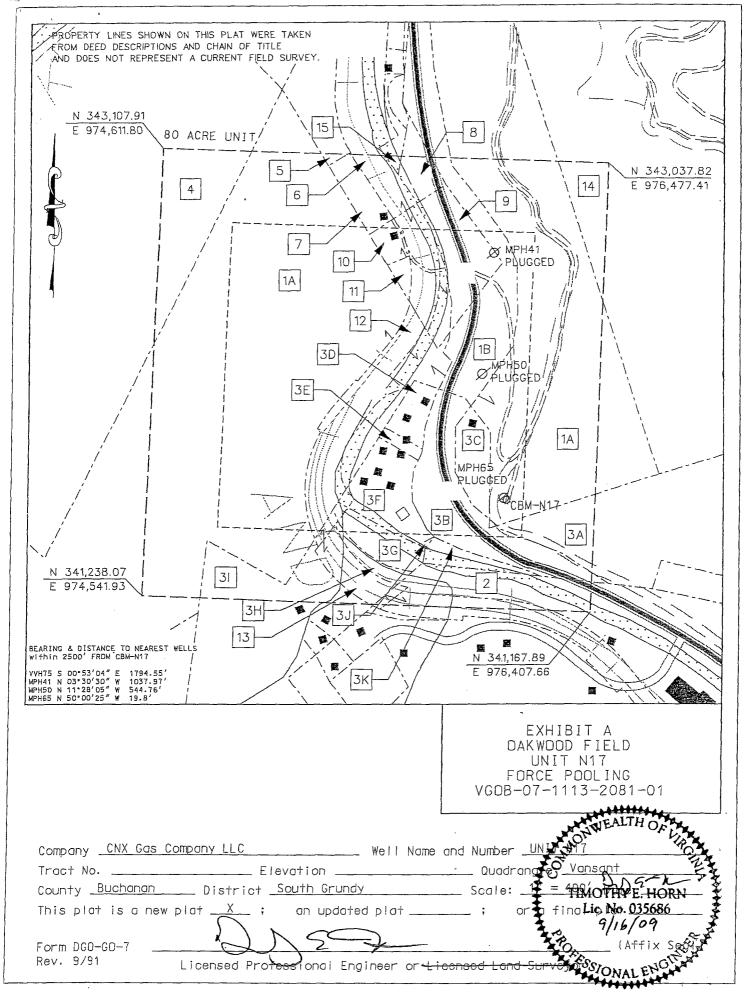
STATE OF WEST VIRGINIA COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company

LLC, on behalf of the corporate Designated Operator, this 23rd day of April

My commission expires: <u>Secenter</u> 4, 2016

OFFICIAL SEA **NOTARY PUBLIC** DIANA M. MURPHY 2481 JOHN NASH BLVD. BLUEFIELD, WV 24701



CNX Gas Company LLC

UNIT N-17

Tract Identifications

1. Consolidation Coal Company, et al Big Vein Tr. 92 (77.75 Acre Tract) - All Minerals except Oil, Gas and CBM

Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Corporation - Coal In Tiller and Above Leased Highland Resources/North American Resources Corporation, et al - Oil and Gas Plum Creek Timberland, et al - CBM CNX Gas Company LLC - Oil and Gas Leased (1/3) CNX Gas Company LLC - CBM Leased 47.66 acres 59.5750%

- 1A. CNX Gas Company LLC, et al - Surface
- 1B. Commonwealth of Virginia - Surface

2. Consolidation Coal Company, et al Big Vein Tr. 79 (79.74 Acre Tract) - All Minerals except Oil, Gas and CBM

Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Corporation - Coal in Tiller and Above Leased Highland Resources/North American Resources Corporation, et al - Oil and Gas Plum Creek Timberland, et al - CBM CNX Gas Company LLC - Oil and Gas Leased (1/3) CNX Gas Company LLC - CBM Leased

CNX Gas Company LLC, et al - Surface

2.18 acres 2.7250%

3. Consolidation Coal Company, et al Big Vein Tr. 74 (39.83 Acre Tract) - All Minerals except Oil, Gas and CBM

Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Corporation - Coal In Tiller and Above Leased Highland Resources/North American Resources Corporation, et al - Oil and Gas Plum Creek Timberland, et al - CBM

CNX Gas Company LLC - Oil and Gas Leased (1/3)

CNX Gas Company LLC - CBM Leased 13.81 acres 17.2625%

- 3A. Cassie Hagerman - Surface
- 3B. Commonwealth of Virginia - Surface
- 3C. Cassie Hagerman - Surface
- 3D. **Unknown Surface Owner**
- **Unknown Surface Owner** 3E.
- 3F. **Unknown Surface Owner** 3G. **Unknown Surface Owner**
- 3H. **Unknown Surface Owner**
- 31, **Unknown Surface Owner**
- **3J. Unknown Surface Owner**
- 3K. **Unknown Surface Owner**

Page 1 of 3

September 14, 2009

CNX Gas Company LLC

UNIT N-17

Tract Identifications

Consolidation Coal Company, et al Big Vein Tr. 85 (80.81 Acre Tract) - All Minerals except 4. Oil, Gas and CBM

Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased Jewell Smokeless Coal Corporation - Coal In Tiller and Above Leased Highland Resources/North American Resources Corporation, et al - Oil and Gas Plum Creek Timberland, et al - CBM CNX Gas Company LLC - Oil and Gas Leased (1/3) CNX Gas Company LLC - CBM Leased

CNX Gas Company LLC, et al - Surface 4.2875%

3.43 acres

- 5. Terran LeAnn Ratliff, et al (Pearl Ratliff Heirs) - All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam CNX Gas Company LLC - Oil, Gas and CBM Leased Terran LeAnn Ratliff, et al (Pearl Ratliff Heirs) - Surface 0.06 acres 0.0750%
- Norfolk Southern Railway Company Fee (Except Coal Below 800 Feet) 6. Consolidation Coal Company, et al - Coal Below 800 Feet Island Creek Coal Company/Consol Energy, Inc. - Coal Below 800 Feet Leased CNX Gas Company LLC - CBM Leased (Coal Below 800 Feet) 2.01 acres 2.5125%
- 7. Larry M. Whitt, et ux - All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Larry M. Whitt, et ux - Surface 0.86 acres 1.0750%
- 8. Commonwealth of Virginia - All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Commonwealth of Virginia - Surface 0.58 acres 0.7250%
- 9. Commonwealth of Virginia - All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Commonwealth of Virginia - Surface 2.11 acres 2.6375%
- 10. Virginia E. Perkins, et vir - All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Virginia E. Perkins, et vir - Surface 0.88 acres 1.1000%

CNX Gas Company LLC

UNIT N-17

Tract Identifications

- 11. Ernest L. Perkins, et ux All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. Coal Below Tiller Seam Ernest L. Perkins, et ux Surface 0.22 acres 0.2750%
- 12. Norfolk Southern Railway Company Fee (Except Coal Below 800 Feet) Consolidation Coal Company, et al – Coal Below 800 Feet Island Creek Coal Company/Consol Energy, Inc. – Coal Below 800 Feet Leased CNX Gas Company LLC - CBM Leased (Coal Below 800 Feet) 2.92 acres 3.6500%
- Norfolk Southern Railway Company Fee (Except Coal Below 800 Feet)
 Consolidation Coal Company, et al Coal Below 800 Feet
 Island Creek Coal Company/Consol Energy, Inc. Coal Below 800 Feet Leased
 CNX Gas Company LLC CBM Leased (Coal Below 800 Feet)
 1.80 acres
 2.2500%
- 14. Consolidation Coal Company, et al Big Vein Tr. 84 (200.20 Acre Tract) All Minerals except Oil, Gas and CBM Island Creek Coal Company/Consol Energy, Inc. Coal Below Tiller Seam Leased Jewell Smokeless Coal Corporation Coal In Tiller and Above Leased Highland Resources/North American Resources Corporation, et al Oil and Gas Plum Creek Timberland, et al CBM CNX Gas Company LLC Oil and Gas Leased (1/3) CNX Gas Company LLC CBM Leased CNX Gas Company LLC, et al Surface 1.42 acres 1.7750%
- 15. Oakwood Market, Inc. All Minerals except Coal Below Tiller Seam Island Creek Coal Company/Consol Energy, Inc. Coal Below Tiller Seam Oakwood Market, Inc. Surface 0.06 acres 0.0750%

Exhibit B-3 Unit N-17 Docket #VGOB 07-1113-2081-01

List of Unleased Owners/Claimants

			Acres in Unit	Percent of Unit	Division SE Panel - 5 42.9308%	of Interest in SE Panel - 6 42.6829%	SE Panel - 7 42.4082%
11.	OIL &	GAS OWNERSHIP					
	Tract#	7, 0.86 acres					
	(1)	Larry M. Whitt et ux Box 241 Oakwood, VA 24631	0.86 acres	1.07500%	0.4615%	0.4588%	0.4559%
	Tract #	8, 0.58 acres					
	(1)	Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.58 acres	0.72500%	0.3112%	0.3095%	0.3075%
	Tract #	9, 2.11 acres					
	(1)	Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	2.11 acres	2.63750%	1.1323%	1.1258%	1.1185%
	Tract #	10, 0.88 acres					
	(1)	Virginia E. Perkins et vir Box 73 Oakwood, VA 24631	0.88 acres	1.10000%	0.4722%	0.4695%	0.4665%
	Tract #	11, 0.22 acres					
	(1)	Earnest L. Perkins et ux Box 641 Oakwood, VA 24631	0.22 acres	0.27500%	0.1181%	0.1174%	0.1166%
	Tract #	15, 0.06 acres					
	(1)	Oakwood Market, Inc. Box 95 Oakwood, VA 24631	0.06 acres	0.07500%	0.0322%	0.0320%	0.0318%

Exhibit E

Unit N-17 Docket #VGOB 07-1113-2081-01 List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	SE Panel - 5 42.9308%	SE Panel - 6 42.6829%	SE Panel - 7 42.4082%
Tract #6, 2.01	<u>acres</u>					
Only 50	0.4274% of this tract is to be escrowed					
COAL	OWNERSHIP					
(2)	Yukon Pocahontas Coal Co., et al. (Coal below 800')	2.01 acres	2.51250%	1.0786%	1.0724%	1.0655%
(a	a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	1.01 acres 1/2 of 2.01 acres	1.25625%	0.5393%	0.5362%	0.5328%
(b	o) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.22 acres 1/9 of 2.01 acres	0.27917%	0.1198%	0.1192%	0.1184%
(c	c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.11 acres 1/18 of 2.01 acres	0.13958%	0.0599%	0.0596%	0.0592%
(d	l) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	0.67 acres 1/3 of 2.01 acres	0.83750%	0.3595%	0.3575%	0.3552%
	Note: Plum Creek Timberlands retained their CBM is	nterest in (d)				
OIL &	GAS OWNERSHIP					
(1)	Norfolk Southern Railway Company	2.01 acres	2.51250%	1.0786%	1.0724%	1.0655%
	If no conflict Royalties paid to: Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701					
Tract #7, 0.86	acres					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. (Coal Below Tiller Seam) 10545 Riverside Dr. Oakwood, VA 24631	0.86 acres	1.07500%	0.4615%	0.4588%	0.4559%
OIL &	GAS OWNERSHIP					
(1)	Larry M. Whitt et ux Box 241 Oakwood, VA 24631	0.86 acres	1.07500%	0.4615%	0.4588%	0.4559%
Tract #8, 0.58	acres					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. (Coal Below Tiller Seam) 10545 Riverside Dr. Oakwood, VA 24631	0.58 acres	0.72500%	0.3112%	0.3095%	0.3075%
OIL &	GAS OWNERSHIP					
(1)	Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	0.58 acres	0.72500%	0.3112%	0.3095%	0.3075%



Exhibit E Unit N-17

Docket #VGOB 07-1113-2081-01 List of Conflicting Owners/Claimants that require escrow

				Division	of Interest in	
		Acres in Unit	Percent of Unit	SE Panel - 5 42.9308%	SE Panel - 6 42.6829%	SE Panel - 7 42.4082%
ct #9, 2.11	<u>acres</u>					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. <i>(Coal Below Tiller Seam)</i> 10545 Riverside Dr. Oakwood, VA 24631	2.11 acres	2.63750%	1.1323%	1.1258%	1.1185%
OIL &	GAS OWNERSHIP					
(1)	Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	2.11 acres	2.63750%	1.1323%	1.1258%	1.1185%
ct #10, 0.88	B acres					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. (Coal Below Tiller Seam) 10545 Riverside Dr. Oakwood, VA 24631	0.88 acres	1.10000%	0.4722%	0.4695%	0.4665%
OIL &	GAS OWNERSHIP					
(1)	Virginia E. Perkins et vir Box 73 Oakwood, VA 24631	0.88 acres	1.10000%	0.4722%	0.4695%	0.4665%
ct #11, 0.22	<u> Pacres</u>					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. (Coal Below Tiller Seam) 10545 Riverside Dr. Oakwood, VA 24631	0.22 acres	0.27500%	0.1181%	0.1174%	0.1166%
OIL &	GAS OWNERSHIP					
(1)	Earnest L. Perkins et ux Box 641 Oakwood, VA 24631	0.22 acres	0.27500%	0.1181%	0.1174%	0.1166%
ct #12, 2.92	<u> Pacres</u>					
Only 50	0.4274% of this tract is to be escrowed					
COAL	OWNERSHIP					
(2)	Yukon Pocahontas Coal Co., et al. (Coal below 800')	2.92 acres	3.65000%	1.5670%	1.5579%	1.5479%
(a	a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	1.46 acres 1/2 of 2.92 acres	1.82500%	0.7835%	0.7790%	0.7739%
(b	P) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.32 acres 1/9 of 2.92 acres	0.40556%	0.1741%	0.1731%	0.1720%
(c	e) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.16 acres 1/18 of 2.92 acres	0.20278%	0.0871%	0.0866%	0.0860%
(d) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	0.97 acres 1/3 of 2.92 acres	1.21667%	0.5223%	0.5193%	0.5160%
	Note: Plum Creek Timberlands retained their CBM in	nterest in (d)				

9/16/09

Exhibit E

Unit N-17 Docket #VGOB 07-1113-2081-01 List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division SE Panel - 5 42.9308%	of Interest in SE Panel - 6 42.6829%	SE Panel - 7 42.4082%
OIL &	GAS OWNERSHIP					
(1)	Norfolk Southern Railway Company	2.92 acres	3.65000%	1.5670%	1.5579%	1.5479%
	If no conflict Royalties paid to: Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701					
Tract #13, 1.80	<u>0 acres</u>					
Only 50	0.4274% of this tract is to be escrowed					
COAL	OWNERSHIP					
(2)	Yukon Pocahontas Coal Co., et al. (Coal below 800')	1.80 acres	2.25000%	0.9659%	0.9604%	0.9542%
(8	a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.90 acres 1/2 of 1.80 acres	1.12500%	0.4830%	0.4802%	0.4771%
(t	b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.20 acres 1/9 of 1.80 acres	0.25000%	0.1073%	0.1067%	0.1060%
(0	c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.10 acres 1/18 of 1.80 acres	0.12500%	0.0537%	0.0534%	0.0530%
(0	d) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	0.60 acres 1/3 of 1.80 acres	0.75000%	0.3220%	0.3201%	0.3181%
	Note: Plum Creek Timberlands retained their CBM in	nterest in (d)				
OIL &	GAS OWNERSHIP					
(1)	Norfolk Southern Railway Company	1.80 acres	2.25000%	0.9659%	0.9604%	0.9542%
	If no conflict Royalties paid to: Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701					
Tract #15, 0.06	6 acres					
COAL	OWNERSHIP					
(1)	ICCC / Consol Energy Inc. (Coal Below Tiller Seam) 10545 Riverside Dr. Oakwood, VA 24631	0.06 acres	0.07500%	0.0322%	0.0320%	0.0318%
OIL &	GAS OWNERSHIP					
(1)	Oakwood Market, Inc. Box 95 Oakwood, VA 24631	0.06 acres	0.07500%	0.0322%	0.0320%	0.0318%





12 Forges \$10 + #1 /Pg = \$22

INSTRUMENT #100002216
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 11, 2010 AT 03:58PM

BEVERLY S. TILLER, CLERK RECORDED BY: GG8